

### REMARKS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

Claims 55, 61, 67 and 75 were amended to more clearly require that “scores” are inputted according to the present invention. These amendments do not add further limitations to the claims and therefore do not raise any new issues. For example claim 55, as originally presented, requires an “input means for inputting content description data . . . and scores . . .” Thus, the original claim 55 clearly required that the scores are input through the input means. However, the Examiner appears to have misunderstood this limitation since the inputting of the scores is not addressed by the written rejection in the Office Action. Therefore, to avoid any further confusion surrounding the scores, claims 55, 61, 67 and 75 were amended to more clearly relate to the “inputting” limitation. Thus, since no new issues are raised by the amendment, Applicant respectfully requests entry of the amendment and reconsideration of the claims.

Claims 55, 57-61, 63-67, 69-75 and 77-82 were rejected under 35 U.S.C. 103(a) over U.S. Patent No. 5,664,227 to Mauldin et al. (hereinafter “Mauldin”) in view of Wilcox et al., “Annotation and Segmentation for Multimedia Indexing and Retrieval” (hereafter “Wilcox”). Claims 56, 62, 68 and 76 were rejected under 35 U.S.C. 103(a) over Mauldin in view of Wilcox and in further view of Özsoyoğlu. For the following reasons, the rejections are respectfully traversed.

Regarding claims 55, 61, 67, and 75, neither Mauldin, Wilcox, nor Özsoyoğlu teaches or suggests “*inputting scores* that are attribute information of the media content representing degree of relative importance of each of said plurality of segments based on context of the media content,” as required. The Examiner states that Mauldin “is silent on ‘scores . . .,’” and thus Wilcox is cited for teaching this limitation. Further, Özsoyoğlu does not teach inputting scores as claimed.

According to Wilcox, scores are *computed* based on the frequencies of occurrence of keywords

in annotations associated with a media segment. According to the claimed invention, scores are *inputted* not merely calculated. For example, as described with reference the first embodiment of the present invention on page 36, lines 3-22, a priority is assigned to each media element. The priority is a score representing the degree of importance of the element. As described, the priority is assigned as an attribute of the element in advance of the selection processing. In contrast, the scores taught in Wilcox are calculated based upon keywords provided by a user performing a query. These scores are not attributes of the media segments, as in the present claims, and they are clearly not inputted, as presently claimed, since they are calculated. Therefore, since every limitation of the claims is not taught or suggested by the cited references, claims 55, 61, 67, and 75 are patentable over the prior art of record.

Further, Applicant respectfully submits that the record is insufficient to establish a *prima facie* case of obviousness, as required to maintain a rejection under 35 U.S.C. 103(a). The Examiner is respectfully reminded that: "To establish a *prima facie* case of obviousness . . . there must be some suggestion or motivation . . . to modify the reference or to combine reference teachings." (See MPEP § 2143.) The Examiner stated in the Office action that "It would have been obvious . . . to combine the teachings of Wilcox with Mauldin because it would have provided the capability for retrieval of multimedia data based on segmentation." Thus, the Examiner merely reaches a conclusion without setting forth any suggestion or motivation in the prior art to make such a combination. Since no *prima facie* case of obviousness has been established, the rejection cannot stand.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

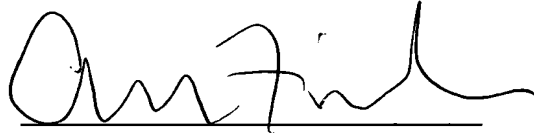
Appl. No. 09/467,231  
Amdt. Dated June 23, 2004  
Reply to Office action of February 23, 2004

If there are any additional fees resulting from this communication, please charge same to our  
Deposit Account No. 16-0820, our Order No. 32161.

Respectfully submitted,

PEARNE & GORDON LLP

By:

A handwritten signature in black ink, appearing to read 'A. Fishman', written over a horizontal line.

Aaron A. Fishman, Reg. No. 44682

1801 East 9th Street  
Suite 1200  
Cleveland, Ohio 44114-3108  
(216) 579-1700

Date: June 23, 2004